IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Bail Appl..No. 498 of 2007()

CC.1323/2000 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

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: PETITIONERS/ACCUSED:

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1. SUHARA AHAMED RAZIM,
   W/O.RAZIM AHAMED USMAN, M/S.AL-RAZ EXPORTS,
   VII/382, 3RD FLOOR, DARUSALEM, KOCHI-2.

2. RAZIM AHAMMED USMAN,
   M/S.AL-RAZ EXPORTS, VII/382, 3RD FLOOR,
   DARUSALEM, KOCHI-2.

BY ADV. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
SMT.TULASI PANICKER

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 498 OF 2007

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DATED THIS THE 31st DAY OF JANUARY, 2007

O R D E R

Petitioners who are husband and wife and the first and second accused respectively in C.C.No.1323/00 of C.J.M., Ernakulam for offences punishable under sections 420, 405, 463, 464, 468 and 471 IPC, seek anticipatory bail.

2. Petitioners were enlarged on bail during crime stage. The case was thereafter taken on file by the C.J.M., Ernakulam as C.C.No.1363/00. Admittedly, petitioners have not got themselves enlarged on bail from the court of the C.J.M. At a time when non-bailable warrants of arrest are pending against the petitioners, they have approached this court with the present application for anticipatory bail.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioners should not surrender before the trial court and seek regular bail. Accordingly, if the petitioners surrender before the C.J.M., Ernakulam and file an application for regular bail, within two weeks from today, the same shall be

considered and disposed of, preferably on the same date on which it is filed, after considering the explanation offered by the petitioners for their previous non-appearance.

With the above direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn